

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS A. PSOTA,

Plaintiff,

v.

NEW HANOVER TOWNSHIP, et al.,

Defendants.

CIVIL ACTION
NO. 20-5004

ORDER

AND NOW, this 29th day of December 2021, upon consideration of Defendants' Motion to Dismiss the Amended Complaint (Doc. No. 12), Plaintiff's Response in Opposition to Defendants' Motion to Dismiss (Doc. No. 14), Defendants' Reply (Doc. No. 15), and the arguments of counsel for the parties at the hearing on the Motion held on June 24, 2021 (see Doc. No. 17), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that Defendants' Motion (Doc. No. 12) is **GRANTED** in part and **DENIED** in part as follows:

1. Defendants' Motion to Dismiss Count I of the Amended Complaint, Plaintiff v. Defendant New Hanover Township for Violation of Pennsylvania's Whistleblower Law, 43 PA. CONS. STAT. § 1421, et seq. (Doc. No. 12), is **GRANTED**.
2. Defendants' Motion to Dismiss Count II of the Amended Complaint, Plaintiff v. Defendant Kevin McKeon for Violation of Pennsylvania's Whistleblower Law, 43 PA. CONS. STAT. § 1421, et seq. (Doc. No. 12), is **GRANTED**.
3. Defendants' Motion to Dismiss Count III of the Amended Complaint, Plaintiff v. Defendant Jamie Gwynn for Violation of Pennsylvania's Whistleblower Law, 43 PA. CONS. STAT. § 1421, et seq. (Doc. No. 12), is **GRANTED**.
4. Defendants' Motion to Dismiss Count IV of the Amended Complaint, Plaintiff v. Defendant New Hanover Township for Deprivation of Plaintiff's Liberty Interest in Employment, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, U.S. CONST. amend. XIV (Doc. No. 12), is **GRANTED**.

5. Defendants' Motion to Dismiss Count V of the Amended Complaint, Plaintiff v. Defendant Kevin McKeon for Deprivation of Plaintiff's Liberty Interest in Employment, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, U.S. CONST. amend. XIV (Doc. No. 12), is **GRANTED**.
6. Defendants' Motion to Dismiss Count VI of the Amended Complaint, Plaintiff v. Defendant Jamie Gwynn for Deprivation of Plaintiff's Liberty Interest in Employment, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, U.S. CONST. amend. XIV (Doc. No. 12), is **GRANTED**.
7. Defendants' Motion to Dismiss Count VII of the Amended Complaint, Plaintiff v. New Hanover Township for Deprivation of Plaintiff's Liberty Interest in Reputation and Continued Employment in the Law Enforcement Field, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, U.S. CONST. amend. XIV ("Stigma Plus Cause of Action") (Doc. No. 12), is **GRANTED**.
8. Defendants' Motion to Dismiss Count VIII of the Amended Complaint, Plaintiff v. Kevin McKeon for Deprivation of Plaintiff's Liberty Interest in Reputation and Continued Employment in the Law Enforcement Field, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, U.S. CONST. amend. XIV ("Stigma Plus Cause of Action") (Doc. No. 12), is **GRANTED**.
9. Defendants' Motion to Dismiss Count IX of the Amended Complaint, Plaintiff v. Jamie Gwynn for Deprivation of Plaintiff's Liberty Interest in Reputation and Continued Employment in the Law Enforcement Field, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, U.S. CONST. amend. XIV ("Stigma Plus Cause of Action") (Doc. No. 12), is **GRANTED**.
10. Defendants' Motion to Dismiss Count X of the Amended Complaint, Plaintiff v. Defendant New Hanover Township for Retaliating against Plaintiff for asserting his rights under the First Amendment to the United States Constitution, U.S. CONST. amend. I (Doc. No. 12), is **DENIED**.
11. Defendants' Motion to Dismiss Count XI of the Amended Complaint, Plaintiff v. Defendant Kevin McKeon for Retaliating against Plaintiff for asserting his rights under the First Amendment to the United States Constitution, U.S. CONST. amend. I (Doc. No. 12), is **DENIED**.
12. Defendants' Motion to Dismiss Count XII of the Amended Complaint, Plaintiff v. Defendant Jamie Gwynn for Retaliating against Plaintiff for asserting his rights

under the First Amendment to the United States Constitution, U.S. CONST. amend. I (Doc. No. 12), is **DENIED**.

13. Defendants' Motion to Dismiss Count XIII of the Amended Complaint, Plaintiff v. Defendant Kevin McKeon for Defamation, in violation of Pennsylvania Law (Doc. No. 12), is **DENIED**.
14. Defendants' Motion to Dismiss Count XIV of the Amended Complaint, Plaintiff v. Defendant Jamie Gwynn for Defamation, in violation of Pennsylvania Law (Doc. No. 12), is **DENIED**.
15. Defendants' Motion to Dismiss Count XV of the Amended Complaint, Plaintiff v. Defendant Kevin McKeon for False Light Defamation, in violation of Pennsylvania Law (Doc. No. 12), is **DENIED**.
16. Defendants' Motion to Dismiss Count XVI of the Amended Complaint, Plaintiff v. Defendant Kevin McKeon for False Light Defamation, in violation of Pennsylvania Law (Doc. No. 12), is **DENIED**.
17. Defendants' Motion to Dismiss Count XVII of the Amended Complaint, Plaintiff v. Defendant New Hanover Township for Deprivation of Plaintiff's Liberty Interest in Reputation and Continued Employment in the Law Enforcement Field, in violation of Article I of the Pennsylvania Constitution, PA. CONST. art. 1, §§ 1, 11 (Doc. No. 12), is **GRANTED** insofar as it seeks monetary damages, and **DENIED** insofar as it seeks equitable relief.

Furthermore, Plaintiff's Motion in Opposition to Defendant's Motion to Dismiss (Doc. No. 14) is **GRANTED** in part and **DENIED** in part in accordance with the above rulings on each Count.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.